REMARKS

I.   Status of the Claims:

Claims 1-8 are currently pending.

By this Amendment, new claims 1 and 8 have been amended, claim 7 has been canceled without prejudice or disclaimer, and new claims 9-11 have been added. No new matter has been introduced by this Amendment. Upon entry of the Amendment, claims 1-6 and 8-11 would be pending.

II.   Specification:

The Examiner indicates that the title of the invention is not descriptive and requests a new title. To address the Examiner's concern's, the title has been amended as follows: "IMAGE SENSING APPARATUS, CONTROL METHOD THEREFOR , STORAGE MEDIUM, AND PROGRAM TO CREATE CORRECTION DATA".

III.   Rejections under 35 U.S.C. § 101:

Claims 7-8 are rejected under rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 has been canceled without prejudice or disclaimer.

Claim 8 has been amended into independent form to reflect a computer readable medium and is believed to be directed to statutory subject matter.

IV.   Rejections under 35 U.S.C. § 102 & § 103:

Claims 1-3 and 5-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kohashi et al. (US 6,642,960). Claim 4 is r rejected under 35 U.S.C. § 103(a) as being unpatengable over Kohashi et al. in view of Hamasaki (US 5,335,008).

Claim 1 is directed to an image sensing apparatus having a plurality of pixels; a first calculating portion and a second calculating portion. The first calculating portion creates correction data by performing computation using signals which are acquired by image sensing in an unexposed state and smaller in number than said plurality of pixels. The second calculating portion corrects image data of said plurality of pixels, acquired by image sensing in an exposed state, by using the correction data.

In other words, correction data is created from acquired signals <u>smaller in number</u> than the plurality of pixels and is used to correct image data of the plurality of pixels. Such an arrangement can for example use signals acquired for a subset of the plurality of pixels in an unexposed state (e.g., dark image data) to create correction data to correct image data of the plurality of pixels. <u>See e.g.</u>, specification, page 33, line 24 to page 34, line 17. This for example can reduce the amount of signals which are need to be captured or used and, as a result, the time to perform noise correction for a plurality of pixels.

As a matter of clarification, claim 1 has been amended in part as follows:

> correcting image data of <u>each of</u> said plurality of pixels, acquired
> by image sensing in an exposed state, by using the correction data.

That is, the correction data (which is created in general from signals from a subset of the plurality of pixels) is used to correct image data of each of the plurality of pixels.

On the contrary, Kohashi detects a signal level for each pixel from the black image to ascertain which pixels are faulty in order to perform compensation for the faulty pixels. Specifically, Kohashi around col. 13, lines 4-27 notes:

> Particularly, in the first defect detection processing as shown in the flow chart of FIG. 4A, a black image is taken (step **21-1**), *signal level is detected for each one pixel (step 21-2)*, determination is made as to whether signal level of each pixel is lower or higher than a predetermined first threshold value (step **21-3**), and, if higher than the first threshold, such pixels are determined as fault pixels (step **21-4**). (emphasis added)

Kohashi in the subsequent steps **21-5** and **21-6** thereafter checks the order of detected adjoining fault pixels and stores such defect information. The defect information is used to perform compensation for the detected faulty pixels.

Accordingly, Kohashi does not disclose or suggest correcting image data of <u>each</u> <u>of</u> said plurality of pixels, acquired by image sensing in an exposed state, by using the correction data (which is created in general from signals from a subset of the plurality of pixels), as reflected in claim 1. Thus, claims 1 and 8 and their dependent claims are believed to be distinguishable over the cited references.

CONCLUSION

Based on the foregoing remarks, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5309.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-5309.

Respectfully submitted,
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